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HOUSE BILL 2405
By Davis (Cocke)

AN ACT to amend Tennessee Code Annotated, Title 7; Title 40
and Title 69, relative to water levels in certain state lakes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, is amended by adding the following
as a new chapter to be appropriately designated:

Section 69-__-101.

(a) Notwithstanding any other provision of state or federal law to the contrary, no
lake listed in subsection (b) of this section and located in the state of Tennessee shall be
lowered below thirty (30) feet of full pool level except in an officially declared state or
national emergency or disaster.

(b) Lakes subject to this part are the following:

- (1) Holston;
- (2) Watauga;
- (3) Boone;
- (4) Henry;
- (5) Cherokee;
- (6) Douglas;

- (7) Fontana;
- (8) Norris;
- (9) Melton Hill;
- (10) Hiwassee
- (11) Tims Ford;
- (12) Fort Loudoun;
- (13) Watts Bar;
- (14) Chickamauga;
- (15) Nickajack;
- (16) Pickwick;
- (17) Savannah;
- (18) Perryville;
- (19) Johnville;
- (20) Kentucky Lake;
- (21) Dale Hollow; and
- (22) Center Hill.

Section 69-__-102.

(a) An agency that violates or fails to comply with the provisions of this chapter, any order issued pursuant to this chapter or any rule, regulation or standard adopted pursuant to this chapter shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than seven thousand five hundred dollars (\$7,500) per day for each day of violation. Each day such violation continues shall constitute a separate violation.

(b) It is the duty of the district attorneys general in the various districts of the state, or the attorney general and reporter, upon request of the citizens of the state of Tennessee, to bring an action for damages provided in this chapter and to bring an

action for a restraining order, temporary or permanent injunction, against any entity violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to this chapter.

Section 69-__-103

Any person or agency who willfully and knowingly falsifies any records, information, plans, specifications or other data required to make determinations under this chapter or who willfully fails, neglects or refuses to comply with any of the provisions of this chapter commits a Class C misdemeanor. No process by warrant, presentment or indictment shall be issued except on application of the district attorney general or the attorney general and reporter or such application for process authorized by the district attorney general or the attorney general and reporter.

SECTION 2. The commissioner of environment and conservation is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 2002, the public welfare requiring it.